

**WEDNESDAY**

**REGULAR MEETING**

**7:00 P.M.**

**NOVEMBER 7, 2012**

This Regular Meeting of Council was called to order on the above-stated date at the above-stated time after the Pledge of Allegiance and a Moment of Silence by President of Council Darryl Segina with the following Members of Council present:

**RC-1      PRESENT:      KEITH SOLES, FAWN WALKER-MONTGOMERY, DARRYL SEGINA, DANIEL CARR, RICHARD DELLAPENNA, DALE McCALL, ALFRED TEDESCO, JR.**

Mr. Segina said also present were Mayor Michael Cherepko, City Administrator Matthew Gergely, City Solicitor J. Jason Elash and members of the Administration. He said the Sergeant-at-Arms this evening is Detective Joe Osinski.

Mr. Segina said please remain standing for a moment of silence and please reflect on the life of Art Nagy, Sr., our last Pearl Harbor veteran who passed away this week, may he rest in peace.

Pastor Deborah Kociban of the First United Methodist Church of McKeesport led the prayer.

Mr. Segina said before they continue, the Mayor has a Proclamation he would like to present.

Mayor Cherepko said with them this evening they have Frank and Gwen Miller and Doug Kropp. He said they are here for a time of remembrance and a time to give thanks for their generous efforts. He said Frank and Gwen Miller are the parents of one of the City's officers, Frank Miller, who this Saturday, 19 years ago, was killed in the line of duty. He said through their generous

efforts, the Millers and their friend Doug wanted to contribute to the Police Department. He said by doing that they added the newest member of their Police force, K-9 Farkel. He said the name Farkel has a little history behind it. He said Farkel was Frank's childhood nickname. He said he thinks it is only appropriate for them to name the K-9 Farkel. He said on behalf of the City, there is no way they can ever bring back Frank but he wanted to assure them that, without question, his memory will live on forever in the City of McKeesport. He said on behalf of the City he wants to say thank them for their contribution to the Police Department. He said Officer Matthews is their newest K-9 officer and he went through his first training experience with Farkel. He said he is very sorry for their loss but also so grateful for their generosity and truly appreciates it. He said he thinks it is very important to note and he would be remiss if he did not comment very quickly because he forgot to mention that when they did this, they were seeking no recognition. He said he actually had to twist their arm a little bit to recognize them for their generosity. He said he once again would like to say thank them.

Mrs. Miller said she is sure that Farkel will do what he is supposed to do to protect his officer and the community to keep it safe.

Mr. Segina said thank you Mayor. He said this is the first time they have had donated a living tribute to a fine officer, Frank Miller. He said if anyone gets a chance, there is a monument at the corner of the memorial over there that was dedicated to Frank. He said Frank was a very engaging and dedicated officer. He said Frank often stopped in his sport's shop to converse with them and he is surely missed.

### **APPROVAL OF MINUTES:**

**MOTION:**        **Mr. Tedesco moved, seconded by Mr. Dellapenna, "To approve the minutes for the**

**Regular Meeting of Council on October 3,  
2012."**

**RC-2**      YEAS:      SOLES, WALKER-MONTGOMERY, SEGINA,  
                                 CARR, DELLAPENNA, McCALL, TEDESCO ..... 7

                 NAYS:      NONE ..... 0

**COMMUNICATIONS:**

- Received a copy of a letter sent by Rich Fitzgerald, County Executive, Allegheny County, to Matthew Gergely, Manager, City of McKeesport, RE: Countywide Stormwater Management Plan. Ms. Williams said the County will be forming a Watershed Planning Advisory Committee to seek municipal input in the development of the plan. She said Mr. Gergely has been invited to serve on the board.
- Mr. Segina said another board.
- Received a letter from Beatrice Longo, RE: Enforcement of McKeesport Zoning Ordinance.
- Received an Invitation from the LaRosa Boy's and Girl's Club of McKeesport in regard to the Veteran's Day ceremonies on November 10, 2012.
- Received a memorandum from Darryl Segina, President of Council, RE: Appointments to the McKeesport Downtown Business District Authority.
- Mr. Segina said he would like to take action on that particular memo if they don't mind. He said they just got this last night and going on to the Business District Authority with Council's approval and concurrence is Michelle Pitchford for five years, Corry Sanders for four years, Bill Holiday for three years, Dan Natale for two years and Matt Gergely for one year. He said they will

be working with Fawn Walker-Montgomery whose term has not expired yet and also Rob Hammond of the Daily News. He said could he have a motion to approve these appointments.

**MOTION:**      **Mr. Carr moved, seconded by Mr. Soles, "To approve the appointment of Michelle Pitchford for a term of 5 years, Corry Sanders for a term of 4 years, Bill Holiday for a term of 3 years, Dan Natale for a term of 2 years, and Matthew Gergely for a term of 1 year to the Downtown McKeesport Business Authority."**

**RC-3**      YEAS:      SOLES, WALKER-MONTGOMERY, SEGINA,  
CARR, DELLAPENNA, McCALL, TEDESCO..... 7

NAYS:      NONE..... 0

- Received the October 2012 statistics from Police Chief Bryan Washowich.
- Received the McKeesport Fire Department Incident Type Report for the month of October 2012.

**MAYOR'S REPORT:**

- Mayor Cherepko said he has a few brief things. He said one is obviously the budget. He said they pretty much have the budget in its final stages. He said, of course, that is the final stages of the rough draft form. He said the draft form will be sent out to them next week. He said they are going to try and get it out early in the week rather than wait until the 15<sup>th</sup>. He said hopefully he can get them all copied and sent out to them by Monday. He said that is his goal.
- Mayor Cherepko said Dunkin Donuts has been revitalizing the building and remodeling it to best suit their needs. He

said they are extremely excited to have a new business coming into town. He said he wanted to invite all of Council to the ribbon cutting ceremony. He said their Grand Opening will be Monday, November 19 at 11:00 a.m.

- Mayor Cherepko said some of the other things they have been working on in the City ... one of these is a little thing that sometimes they forget about but he knows it has been an ongoing problem. He said he believes Mr. Segina brought it up at one time or another not to mention other Councilmen. He said that problem is the street signs in the City. He said many streets are unmarked and he just wanted to let Council know that they have already begun the process to fix that, especially now that this is their slow time of year. He said they will do that as long as they don't have snow. He said the Traffic Department is working on getting the new signs up around the City. He said they ordered the materials to make the new signs and they are being put in place. He said he wants to say at this point there are a couple of dozen new ones up and he thinks they counted a couple hundred that need replaced. He said that is something that was brought to his attention by Council on a couple of different occasions and is something they are now working on.
- Mayor Cherepko said he has one more thing. He said he received a letter in the mail and typically if it is an anonymous letter he will just read it to see if there is anything he needs to be aware of but for the most part, he will give it no credibility and throw it in the garbage. He said in this case though, it was an anonymous letter that he doesn't see too often. He said it was a positive letter. He said they talk here in the City about being positive and that all too often negativity shines upon the City. He said here in the City the Public Safety Departments, the Police and Fire Departments, are second to none. He said this letter is in regards to the Police Department. He said as Mayor of this City, as Council men and women of the City, and as

representatives of this City, he thinks this letter will make them proud. He read the following letter:

- *Dear Mayor, Recently I had the misfortune of being a witness to a crime committed in McKeesport. The case was sent to the Allegheny County Court of Pittsburgh. At the court it was a new experience for me to go to one sign-in room with many county citizens and police officers from many different areas to a series of waiting areas in the hall and in the courtroom. While I waited, I had a lot of time to observe people. What I noticed is how our McKeesport Police Officers stood out and distinguished themselves. All McKeesport Officers I observed were professionally groomed and dressed (there were four to five McKeesport Officers there but the only name I knew was Officer Toth, who had delivered my subpoena). Some officers from other municipalities appeared to be there in jeans, some officers had their City or Township uniforms on. Their uniforms did not appear well-kept and many had jackets, sweatshirts or hoodies with sports logos over top of their uniforms while indoors. Even when the McKeesport Officers were in the hall, they spoke with their inside voices and in a manner that anyone could be proud of. Officers from other areas were loud and boisterous and at times their conversation was inappropriate. I have lived in McKeesport all of my life and it seems that the word, McKeesport, has suffered some distaste lately. Although I did not like going to the court because of the officers, I was proud to be from McKeesport. It was nice to see McKeesport stand out in a very positive manner. Thank you, a McKeesport Citizen.*
- Mayor Cherepko said he felt the need to read that into the record and, without question, he knows how proud he was to hear that and he is sure they are too. He said all too often they hear about negative things and

he thought it was a great opportunity to share that. He said he is truly proud of their officers. He said without any question, it starts at the top. He said with them this evening they have their Police Chief and the Assistant Chief. He said he wanted to congratulate both of them. He said more importantly he wanted to say thank them for all their efforts in the Police Department. He said that is all he has at this time.

- Mayor Cherepko said other than last month, last night was a pretty good meeting. He said they had their differences but hopefully ....
  - Mr. Segina said as usual Mayor. He said it sparks the meeting a little bit.
  - Mayor Cherepko said absolutely, but he thinks the important thing to note, just like last month, they went into the meeting on Wednesday and conducted themselves professionally, stayed positive and talked about the issues at hand. He said he is hoping today ... and for that he wants to thank the President for running a very productive meeting last month. He said he is looking forward to having the same thing this evening. He said he wants to thank Council for everything they have done.
  - Mr. Segina said flattery will get him everywhere and he looks nice tonight.
  - Ms. Walker-Montgomery said she has a question for the Mayor. She said she apologizes that she was not here last night but she sprained her foot and was not able to hobble up here. She said she has a question for the Mayor. She said she just wants an update on last month, they voted on the Host Fee and she wanted an update on how that is going and what process will occur.

- Mayor Cherepko said just like last month, the Host Fee was part of an intergovernmental agreement. He said the intergovernmental agreement language has been prepared and sent over to the Sewage Authority. He said the Authority will then just sign off on the Agreement. He said as long as they agree and vote on the intergovernmental agreement, the City will then receive the money at that point. He said everything seems to be in place. He said something he thought about after they left the meeting last month was that it seemed like some individuals and even the community, which they should be as residents, were a little concerned with what this meant. He said the reality of it is, and he thinks everyone on this Council knows that they have been receiving this money in one way, shape or form from the Sewage Authority for years. He said the Sewage Authority has been sending over money for the last seven or eight years in different capacities. He said he thinks that if they look over the last several years, the Authority owed the City something but it was still part of their budget. He said they were sending over \$2 million a year to the City. He said when it wasn't those years, it was \$750,000 here or \$1 million there for different things. He said it is typically not anything that they have not been sending over anyway. He said for the most part it is cost neutral because they have been sending the City money. He said any rate increases in the future without question would fall in with Act 537. He said they beat Act 537 to death at these meetings but it is an unfunded, federal mandate that was placed on these Authorities. He said that is why they see a lot of smaller authorities going out of business and selling off to bigger authorities. He said the one thing their Sewage Authority did was truly got ahead of the ball and jumped on it right away. He said with the increase in the sewage rates, if they are compared to some of the larger authorities such as ALCOSAN, the City's rates are just slightly higher than



them now and are very comparable. He said ALCOSAN has really done little or next to nothing as far as the Act 537 mandates. He said anyone who is in ALCOSAN's sewage system will have billions of dollars of upgrades. He said with time, the people will understand that their rates are what they are and that is what happens when there are unfunded mandates. He said the addition over there with the new sewage authority, in order to treat the water the way they need to treat it, is a \$60 million addition. He said with that comes money and operating costs. He said it was just something he thought about after they left. He said it is pretty much in their hands and is a well-constructed agreement. He said Mr. Elash did a great job coming up with a cooperative agreement and talked about a lot of the services that are provided to the Authority. He said they should be acting upon it and then the City will get the check and move on.

- Ms. Walker-Montgomery said then they voted on it and approved it.
- Mayor Cherepko said they did not approve the agreement yet but are very well aware of everything. He said they are well aware of the whole agreement that they worked out. He said this has been in the works. He said this was actually supposed to happen two or three years ago.
- Ms. Walker-Montgomery said she has two questions: did they give a specific deadline of when they will approve it and when they start paying the City, will they be notified.
- Mayor Cherepko said he will let them know. He said what they are going to do is once they pass it, they will cut the check.

- Ms. Walker-Montgomery said will it go into the General Fund.
- Mayor Cherepko said yes and to be honest, specifically it will pay off the balance on their T.A. Note. He said that money will go straight to the T.A. Note.
- Ms. Walker-Montgomery said will they pay the City monthly.
- Mayor Cherepko said this one will be a one-time sum. He said they have the money. He said when people talk about where the money is coming from, the Authority already has it and are ready to cut the check. He said they will write the check and the City will pay off the T.A. Note. He said he thinks for their budgeting purposes, they may pay the City on a quarterly basis next year. He said that is a decision that the board will make so they might get \$250,000 a quarter. He said for this year it will be a one-time sum.
- Ms. Walker-Montgomery said she thinks what would be helpful, because she knows she gets a lot of calls about the rates.... She said she knows her bill goes up and down. She said it would be helpful ... and she doesn't know whether the City or the Authority could do it, is some kind of public meeting to be held where they could explain the rates and how they are charging people and why it fluctuates up one month and then down the next.
- Mayor Cherepko said he can answer that. He said when the sewage bill fluctuates it is based on usage.
- Ms. Walker-Montgomery said she knows the answer but she thinks they should do a public meeting.
- Mayor Cherepko said that is something that possibly the Sewage Authority or the City could do.

- Mr. McCall said they have done those already.
- Ms. Walker-Montgomery said she thinks they should do more because she is still getting these questions. She said she will be honest, it is high. She said it does go up and does go down and she thinks they need to let people know.
- Mr. McCall said he understands that and they have done that.
- Ms. Walker-Montgomery said are they opposed to doing it again.
- Mr. McCall said no.
- Ms. Walker-Montgomery said who does she talk to over there.
- Mr. McCall said he can take it to the board now.
- Ms. Walker-Montgomery said she thinks it would be very helpful if the public can get an explanation of the rates. She said a lot of people are concerned that with this Host Fee, they are going to go up. She said she knows the answer but she thinks it would be very helpful to have a public meeting about it.
- Mayor Cherepko said to reiterate on that, the reality of it is that he has always said he is not going to hide from things. He said yes, this will be cost neutral at the time, there is no question, especially until Phase III kicks in. He said by the time Phase II of his plan kicks in, that will be cost neutral. He said some may argue well if it was down the road and they keep doing this every year, eventually where is the money coming from. He said by then they will have Phase II kicked in and the people may not realize that it was cost neutral to the Sewage Authority until Phase II of the plan for the City that he has really kicks in. He said as they are

sitting now, the money is there and having a Councilman on the board to verify that helps. He said he thinks the important thing to understand here and he said it last month and will say it again, is that there are really no other answers. He said that is why he reached out to Council people and said to give him options.

- Ms. Walker-Montgomery said she is not disputing this.
- Mayor Cherepko said no, no, no, he knows she is not. He said he is just going into what he was saying. He said his whole point with this being said is that he wants people to understand that he does not hide from things. He said if this was going to raise the rates, does he want to see their sewage rates go up ... the answer is no. He said even if it were going to, which it is not, he would have still done this. He said he is not going to sugarcoat things. He said this is the reality of the situation that they are in here in the City. He said some might say that they don't want to see the fees go up there but the other option is to raise taxes. He said do they have any idea how much they would have to raise the taxes to generate that kind of revenue ... 12 mills. He said the millage now is at 4.26 on land. He said they would have to quadruple the millage, which is probably illegal. He said but that will give her an idea of the tax base here in the City and it is not an option. He said they have many seniors out there with fixed incomes and that is really not an option. He said not to mention that for the significant amount of money they need to generate the other option is to lay people off. He said the problem with laying people off is that it doesn't even really impact the City right away. He said the City is not insured for unemployment ... in their bargaining agreements, the employees still get their benefits. He said for a year or two they save very minimally on their salary but in the grand scheme of

things it is pennies on a dollar. He said that is where they are torn. He said his goal is to get individuals to retire. He said he actually wanted to talk to Council about something this evening in Executive Session but he was running a little late. He said he will get that to them at their next meeting when they have it in a couple of weeks for the budget. He said that is the problem the City is in. He said they have their MUNIS reports tonight. He said look where they are in revenues to expenditures. He said he doesn't make this stuff up, it has them \$1 million short. He said don't forget, the T.A. Note is not in there.

- Ms. Walker-Montgomery said she is with him on this.
- Mayor Cherepko said he knows and he is not talking to her, he is addressing Council right now with these concerns.
- Ms. Walker-Montgomery said Council as a whole.
- Mayor Cherepko said yes, he is not addressing her. He said he thinks the public needs to know this too. He said they are doing everything they possibly can to make sure. He said they have to continue the same level of services to the residents, they deserve nothing less. He said he and Mr. Segina have talked about this numerous times and he will tell them what kind of Public Works Department he had. He said but guess what, back when he was Public Works Director, he still had the same streets out there, the same grass to cut and the same everything and they have half the men now. He said they get where he is going and he is not go into it any more. He said he knows he is getting long winded. He said it is a very serious and sensitive issue, but that is where they are right now. He said like he said, they have a Councilman on the Authority and he is sure he can set something like that up.

- Ms. Walker-Montgomery said yes, and she will call him next week to remind him and he can take it to the Board and they will go from there. She said thank you.
- Mr. Segina said thank you Ms. Walker-Montgomery and if he may add his two cents. He said he thinks a good avenue for discussion with the rates would be at the Task Force meetings. He said they can get the word out to their neighborhoods that there is going to be a meeting and have representatives of the Sewage Authority present at the Task Force Meetings. He said those are organized by the Task Forces themselves and they could bring in whatever neighbors they want. He said he thinks that would produce a much better crowd all around the City and they would be effective. He said if they have someone representing the Sewage Authority and telling them the details of that. He said also the Mayor mentioned about the Host Fee and the sewage rates themselves. He said he thinks he has said this before and may sound like a broken record but he has to say it again. He said he thinks there would be better communication if before something of this magnitude is brought before this Council, that they are informed and can meet with the Sewage Authority itself so they are apprised of all the details going on before they have to make a decision such as the \$24 million bond issue and also the \$1 million Host Fee. He said he thinks it is extremely important that they are all aware of the different aspects of those Bills and they could then be the Mayor's ambassadors or explain the bills themselves when they go out into the public and people ask them questions. He said he implores the Mayor one more time that he would like to meet with the Authority with some of the Council members, whoever wants to come, and any decision for actions that need to be taken that they could serve with them. He said they are intergovernmental. He said the Mayor just said it with regard to the agreement. He said it is

just a matter of better communication and then there would be better understanding.

### **COUNCIL REPORTS:**

- Mr. Tedesco said first he would like to congratulate the voters of the City of McKeesport. He said yesterday this City put out over 7,500 votes. He said that is amazing. He said they made an impact. He said 7,500 votes will make a true impact on an election. He said but just as with anything, he wants to lay out a challenge. He said do it again next year. He said next year there are municipal elections. He said these individuals in this room have more of an impact on their day-to-day life than the presidential election. He said these are the people they see when they walk around town. He said they can walk into the Mayor's office but they are not going to walk into the President's office. He said they have shown them that they can do this ... that 7,500 of them can go out and vote, they should do it again. He said he would like to see it when it counts for their City. He said that is all he has.
- Ms. Walker-Montgomery said she just wants to echo what Mike was saying about the positive things that are going on in this City. She said they just had a movie that was here and Dunkin Donuts is coming. She said she found herself on Facebook defending McKeesport because people were saying why would a movie come to McKeesport and she said why not. She said she just wants to echo what Mike was saying and it is what they say every month. She said this is their City and they live here. She said if they are going to continually down talk it, then how is everybody else ever going to see it positively if they don't see it positively themselves. She said every City has problems and every City has violence. She said no one has no violence in their City. She said if they tell you that, then they are lying. She

said every City goes through those things. She said they can not continue to down talk the City. She said there is a lot of power in their tongue and if they talk bad about things, then that is how people will see it. She said she found herself in a lot of battles on Facebook just about McKeesport. She said she just really wanted to say that there are a lot of positive things going on in the City. She said she constantly says that without their volunteers they would be nowhere. She said there are so many events and so many things that are done and these people don't get paid, they just give their time and come out and do a lot of this work for free. She said a lot of people don't see that. She said before she got elected, she didn't see it. She said she only saw her own group and her church and the people she hung around. She said when she got elected she saw large numbers of volunteers who put on these events and no one says thank you to them. She said they just talk about someone getting shot up the street. She said they really just have to start talking positive about the City.

- Mayor Cherepko said just to comment on that, he couldn't agree with her more. He said he thinks it is important to note that there were some major movie stars in the City. He said between the movie stars themselves, Channing Tatum, who he had the opportunity to speak to, and the executive producers ... he thinks once again as a City, as a Council and as a resident, they were seriously and sincerely grateful. He said he thanked them for everything and he can't tell them how many times he heard no, thank you, because of the cooperation with the City and the things that were done to accommodate them such as the Police Force and their details. He said that is important to note too. He said it kind of caught him off balance because he wondered why they were thanking him. He said they were thankful for them to come in and shoot a movie and get some publicity, but he was thanked numerous times.



- Ms. Walker-Montgomery said they have two parades coming up and unfortunately she doesn't think she will be able to walk in them because she is on crutches. She said she just wanted to let the public know because it is the Veteran's Day parade and her husband and grandfather are Vets, she definitely appreciates the service. She said the other is the Christmas Parade but she doesn't think she will be able to hobble down the street. She said the Festival of Trees is coming up and she will be in contact with everyone on Council so she can collect the money and get the tree.
- Mr. Dellapenna had nothing to report.
- Mr. Soles had nothing to report.
- Mr. Carr had nothing to report.
- Mr. McCall said he had one thing. He said he wanted to say something about the Sewage Authority. He said they do hold a public meeting once a month and actually it is the week after their meeting here. He said he thinks it is next Tuesday. He said it is open to the public and Mr. Malinchak has been there. He said Mr. Segina is more than welcome to come down there and ask his questions if he needs to get an answer. He said they are there. He said every meeting is an open forum and open to the public. He said they receive letters all the time and those letters are answered. He said they are welcome to attend.
  - Ms. Walker-Montgomery said where is the meeting held.
  - Mr. McCall said it is at the Sewage Authority.
- Mr. Segina said he has one thing. He said last week Mr. Elash was supposed to get a report for them regarding the Mayor's Reserve Fund. He said he forgets what they were asking him about but he thinks it is the connotation of the

name itself. He said Mr. Elash was supposed to look it up and give them a ruling on that.

- Mr. Elash said he is not sure what Mr. Segina is referring to but the Mayor's Reserve Fund ... he thinks what Mr. Segina is referring to is the money being moved into the Mayor's Reserve Fund, the \$1.4 million they authorized last month that is coming into the Mayor's Reserve Fund.
- Mr. Segina said he did not bring his minutes but he read them at home and if he can remember, it was about ... Mr. Malinchak brought up something about liquid assets and something was supposed to go into one line item for liquid assets or something similar to that.
- Mr. Malinchak said it was liquidation of assets.
- Mr. Segina said it was liquidation of assets.
- Mr. Elash said he is not sure how it relates to liquidation of assets but the money was being put into the Mayor's Reserve Fund and Mr. Malinchak had questioned if that was the proper line item. He said he checked it again and the Ordinance that was passed that created the Mayor's Reserve Fund requires that before any of that money is spent and utilized in the budget, the Mayor has to come back to Council to get their approval. He said that was the rationale why Mayor Cherepko was putting that money in there when they authorized it to come into the Mayor's Reserve Fund. He said if it had gone into any other line item, it would not have required Council's approval to utilize those funds further. He said that was the rationale why that particular line item was chosen because he had explained to them that he would come back to Council before that money was actually utilized.

- Mr. Segina said then what ....
- Mr. Malinchak said if he may respond partially to what the Solicitor said. He said the question Mr. Segina raised is how does it relate to assets is simple. He said the collection system was sold. He said his understanding of the definition of asset, then that is an asset. He said the asset was liquidated for \$30 million. He said the balance due is \$24 million and they got that. He said how can one say that it was not a liquidation of an asset.
- Mr. Elash said liquidation of the asset took place several years ago and it was an agreement that they were making by yearly payments each year towards those assets. He said they were amortized like a mortgage. He said their financial advisors advised them that it would be to their benefit because of the rate of interest that was being charged, they could get a lower rate by doing a bond issue and pay that off in full. He said the City's plan, which Council adopted last year, and he thinks they have been through this many times ... and he knows he explained it to Mr. Malinchak at least 100 times along with other people ... but when that money was given to the City, they had the option of taking \$24 million and simply utilizing it on a yearly basis. He said that would create a huge hole in their budget when that money runs out because they are expecting that revenue to come in through the Sewage Authority towards those assets each year and that \$2 - \$3 million was being utilized in their budget and would create a \$2.4 million hole. He said the financial analysts presented an Ordinance, and he was not the solicitor because it was last August, and came up with a plan as to how that money should be utilized. He said that plan involves taking a lot of those assets and earmarking them in an escrow account to pay off their bond debt as it comes due. He said that enabled the

City to enjoy massive savings in the amount of bond insurance that was paid each year. He said they paid that insurance based on their outstanding debts to guarantee those bonds. He said once they are placed in a non-revocable escrow account, that insurance payment each year goes down. He said they saved almost \$600,000 in bond insurance. He said they see by doing it that way they eliminate part of that \$2 million hole by eliminating that expense. He said by putting that money in an escrow account, they eliminate that hole by eliminating the expense. He said there has been some debate by Mr. Malinchak as to the return on that money. He said the return on that money is limited because it is only allowed to be invested in small yielding investments that involve no risk. He said if you put it in an escrow account and it is invested in things where that money could not be there when those bonds come due, then the bond insurance company is not going to absolve them of the obligation. He said it has to be guaranteed that the money will be there so they are basically limited to Treasury Notes.

- Mr. Segina said he is not debating Mr. Elash's point, he is just saying that last month he asked for a ruling because there was some question on it. He said is that his ruling.
- Mr. Elash said he doesn't know what the ruling would be. He said he thought that the question was why that line item ....
- Mr. Segina said it is where the placement of the funds was and he is not completely cognizant of that whole process.
- Mayor Cherepko said if he can elaborate on this.
- Mr. Segina said this is an official ruling here Mayor.

- Mayor Cherepko said he thinks Mr. Elash's ruling has been spelled out a million times. He said it was all part of the ordinance and in the ordinance they were setting up about \$1,548,000 that was going to be put into the Mayor's Reserve Fund. He said that was going to, at the time, be planned to be utilized for paving, demolition and things of that nature. He said it was always ... from the way that was orchestrated from the beginning, that was the plan of what to do with the money. He said how they put it in the budget is neither here nor there. He said it would hurt them as a Council. He said this is why, once again, he feels like here we go ... Groundhog Day again. He said this was explained and he will elaborate further for the other part that Mr. Elash did not mention. He said above and beyond the savings of the insurance premium, keep in mind that their debt service payment was \$187,000 a month. He said that is what they were paying on their debt. He said now because their money is now allocated towards those bonds in a safe investment, they are now not paying toward that debt and only have to pay \$50,000 a month. He said it is a tremendous difference in money and that is where although it sounded good to have \$24 million, they would have been spending \$2 to \$3 million every single year just like that. He said not to mention the typical deficit that they are carrying. He said that would just be to pay off the debt plus they would have had a deficit and then they would be operating in a \$4 million deficit a year and the \$24 million is gone in five or six years. He said it would more likely be about 5 years, closer to five years and in 5 years they would have a \$7 million debt a year to fill and they are out of business. He said what they did, as Mr. Elash said, was went with the investor, the financial analysis of the City and they are looking at what is best for the City years down the road. He said they are easing themselves off of that money, at least until Phase II comes in to help

them again. He said that is why that was done. He said once again this helps Council to go into that account. He said if it goes into any other account, Matt or he can spend that money anywhere within that budget because they have already passed the budget. He said they have the authorization to spend it. He said they don't want to do that. He said he is protecting them and setting up a system of checks and balances and wants to be as transparent as possible. He said it benefits them as a Council to put it in that fund.

- Mr. Segina said Mayor this is not a debate.
- Mayor Cherepko said he is just explaining why ... he said he is sorry.
- Mr. Segina said he read his minutes and saw it in his minutes.
- Mayor Cherepko said he is done. He said he wasn't going to say anything but he could not help himself.
- Mr. Segina said the question came up already and he just wanted to review his minutes and ask if he got a ruling on it. He said if that is his ruling, then he is satisfied with the ruling because he is the Solicitor. He said it gives them some semblance to judge whether there is a problem with it.

### **CITIZENS IN THE AUDIENCE:**

**MICHAEL ROBINSON, 1018 WASHINGTON STREET, McKEESPORT, PA.** Mr. Robinson said he is here to talk about Renzie Park. He said he has been back and forth for at least a half a year about getting yield signs for the crosswalk in Renzie Park. He said he can't seem to get them and doesn't understand why. He said there is a crosswalk that goes in the middle of

Renzie Park on the trail. He said when they approach it in a car, it cannot be seen. He said he doesn't understand why they can't have crosswalk signs there.

- Mr. Segina said he walks that trail just about every day and he agrees with this gentleman. He said there is a lot of people who go by in their cars and if they see someone at the crosswalk, they do stop and let you go by. He said then of course you wave and say thank you. He said there are others who just breeze right through there. He said he thinks if they do have ... wherever they have the crosswalks and he thinks there are only three of them, but they should have yield to pedestrian signs. He said they had those yellow things that were sticking out of the ground but they are not lasting because these cars go by and sideswipe them.
- Mayor Cherepko said that was exactly his concern with putting those up. He said that is what they had in mind when they talked to Mr. Robinson. He said they did put one outside the Fire Station even though they are not going to last and they are not cheap. He said they have to buy one every year. He said hopefully it at least makes it through the season because of the kids traveling on that main road. He said when they get up into the Park, his concern was that the road is not quite as wide so if they are putting that in the middle of the road and people are coming on both sides of it .... He said it is something they can do and they can take it out of the RAD budget.
- Mr. Segina said it would just be a yield sign really. He said it is only on the trail itself.
- Mayor Cherepko said is he talking about a yield sign to just stick up or a yield sign like they have Pedestrian Crossing that goes in the middle of the crossing.
- Mr. Segina said yes, it could be on a post facing both ways.

- Mr. Robinson said there are yield signs on the main road that goes past the band shell right now.
- Mayor Cherepko said he thought that Mr. Robinson wanted the ones in the middle of the road.
- Mr. Robinson said he wants the ones on the side of the road, just like it is by the band shell. He said those are noticed more.
- Mayor Cherepko said they can do that, it is not a problem.
- Mr. Segina said it is a simple thing but it is important because there are people who go through that stop sign coming down from the Heritage Center, right before the Main Pavilion and very few people stop there. He said they just breeze right through. He said while there is not a cross walk there, people do cross over there to get to the trail. He said they are disobeying that stop sign and going right through it.
- Mayor Cherepko said they will need two yield signs for each crosswalk because they want one facing each way.
- Mr. Segina said it is not an expensive thing to do but it may save someone from getting hit there.
- Mr. Robinson said that brings him to the second part of his question. He said the speeding has not been stopped. He said why can't they get that speed limit enforced. He understands 10 miles per hour is unrealistic. He said 20 miles per hour going through would help. He said but when they go through 30 and 40 miles per hour and basically slow up at the stop signs, he is waiting for someone to get hurt.
- Mayor Cherepko said with that being said, he and the Chief did communicate about that. He said it is an issue that they are monitoring. He said the bottom line is that they don't have access to a radar gun, it is the old white lines. He said typically speaking it will work while the guys are sitting there



but there is not really anywhere for them to hide. He said people come down the road and see the police car sitting there and of course they slow down during that time. He said he doesn't know if it would fix the problem when they are not there. He said they would have to paint lines to use the accutrack or whatever it may be. He said it is something they can look into and he knows it has been a problem. He said he knows the Chief has had guys up there and while they are there they don't see anything. He said he thinks they did get a ticket or two on the stop signs because they can at least hide on that. He said there is really nowhere to paint the lines where they can hide. He said that is the big thing because you have to track them from one line to another.

- Mr. Segina said he thinks at the entrance to the Park, there are probably two or three entrances, one across from the Sulfur Spring, one by the band shell and the other by the tank.... He said he thinks 15 mile per hour is reasonable because that is what goes through the Park too. He said he thinks those signs could be put up there throughout the Park.
- Mayor Cherepko said he thinks the biggest problem he sees speeding is right on that stretch in front of the Heritage Center.
- Mr. Segina said right, that is where it is. He said he thinks it is some students going to Penn State or from Serra Catholic that come down there and they are not as old as he is and are kind of impulsive so they speed through.
- Mr. Robinson said he actually stopped one woman, he waved at her and motioned her to slow down and she slowed down and yelled at him but she was in a hurry. He said that is waiting for an accident to happen. He said as far as students, most of the students are going to Penn State and coming off the hill. He said it is also the employees.

- Mr. Segina said he did see that also. He said the Mayor might want to tell the employees about going through the stop signs.
- Mayor Cherepko said that was addressed. He said he can assure them of that. He said maybe it wasn't addressed enough, so he will deal with it.
- Mr. Malinchak said there is probably a similar conversation going on in Homestead. He said he travels to Pittsburgh a lot and he would just like to know who goes across the so-called Grays Homestead Hi-level Bridge at 25 miles per hour. He said who does that.
- Mr. Segina said thank you Mr. Robinson for your suggestions. He said he appreciates it and he is sure the Mayor will take care of this.

**BEATRICE LONGO, 200 WAINWRIGHT DRIVE,  
McKEESPORT, PA.**

Ms. Longo said good evening members of Council and Mayor Cherepko. She said there are quite a few folks in Haler Heights, including herself, with all of the publicity about the bike trail coming to their neighborhood, who have been receiving complaints from people all over the City about dirt bikes being driven on public streets, private yards and in Christy Park, on Beckman, Diehl Drive, and Wainwright Drive. She said she has seen kids herself riding dirt bikes on the street. She said she talked to Mr. Tedesco and was going to be working on an Ordinance that would be presented to this body that would limit or prohibit the use of ATV's and dirt bikes in McKeesport keeping in mind what Mr. Carr had to say last night about trying to enforce the ordinances they have and to improve the community and all work together to make it a better place to live. She said since retiring last year, many people have asked her what she is going to be doing now and she responds to them that how can she be doing a lot more reading, something other than the business related reading she had to do when she was working. She said she did not realize that most of her reading in the past six months would be the City's Zoning Ordinance. She said it sits

on her nightstand and sits in her den and travels from room to room. She said as Mr. Elash can tell them, it is a very complex document and takes reading and re-reading some parts of it. She said but basically it is really well written. She said it has a vision for this City, a vision where the safety and health of all the residents will be protected and the community will have a certain standard, which will be upheld. She said as they know from the letter that she recently sent to the Mayor, she is asking that the Ordinance be enforced to the fullest. She said the rules of interpretation in the Ordinance say the term "shall" is always mandatory. She said when it says the Zoning Officer shall administer and enforce this Ordinance, it does not mean maybe and it doesn't mean it is discretionary. She said it means it is mandatory. She said when the Ordinance says a zoning certificate shall be obtained before any person may occupy or use any vacant land or structure, it is not discretionary, it is mandatory. She said it is also mandatory that no one may occupy a lot or a structure until they have a Certificate of Occupancy. She said finally when the use of the land is not a permitted use under the Zoning Ordinance, that person has to get a variance, a conditional use permit or a special exception use application must be filed and they must have that permit. She said that doesn't just go for the lot that they have been concerned about in Haler Heights, it goes for all lots in the City. She said when they look at the purposes in the Zoning Ordinance, they can see why. She said the City ... and she is sure the drafters of that Ordinance did not want anybody just buying a lot in the City of McKeesport and doing whatever they want on that lot without the City ensuring that it is being used for a purpose that is fitting under the Ordinance. She said so regarding the lot in their community ... she has personal concerns, not just about noise. She said everybody thinks it is about noise. She said there are tires dumped down on that land. She said Mr. Young and his wife, unfortunately for them, inherited a lot of debris in that lot. She said also Mr. Segina can tell them that there is a sewer line that is very vulnerable that goes along the side of that lot. She said there are steep hills on each side and there is going to be storm runoff. She said all along the streets on Arnold,

Wainwright, and Halsey, there are storm drains, which say that the water is going down to the river. She said Mr. Segina, is it going under that lot? She said it looks like it is because gravity would dictate that it is going downhill. She said the Zoning Ordinance says that before an Occupancy Permit can be granted, the Zoning Officer must go out and inspect the property. She said his job is to protect us, to make sure that the environmental provisions in the Code are being upheld, to make sure that if there is waste that it is being properly disposed of, and to make sure that drainage is appropriate. She said she understands that the Zoning Officer has not been on that lot and that recently they bulldozed and did not get a permit. She said supposedly they did not need one because they were just moving shrubbery. She said how can they move shrubbery without touching the ground. She said she wants to know why the Ordinance is not being enforced. She said the Mayor has said to her that he has asked that the purchaser of that property and hopefully future properties as well, file the application for a Zoning Certificate and Occupancy Permit and he is waiting for that. She said the Mayor has also agreed that he is going to meet with Counsel that they are retaining to help them enforce or get the City to enforce the Zoning Ordinance. She said when she says City, that is the Mayor and the Zoning Officer, who under the Ordinance and the Home Rule Charter, have the job of enforcing that Ordinance. She said hopefully they won't have to take this to Court and it will be resolved. She said they have this Zoning Ordinance. She said please read it because it really is well-drafted. She said also look at the purposes, especially the environmental purposes. She said they should also follow the procedures please.

- Mayor Cherepko said if he may speak. He said he would like to address some of the concerns because Mrs. Longo and he discussed this numerous times and they are hoping to sit down and get some sort of resolution with this. He said he does want to set the record straight about the history of this. He said from the time their Administration took office in January, he, Matt, Jason and Bethany ... and the whole administration have uncovered numerous different types of

ways of doing things ... things that were not done such as policies and procedures that were maybe not in compliance with the Charter. He said he wants to make it very clear that this was one of them. He said this is not something that this Administration came in and said they are not going to do this. He said this has never been done as far back as he can remember. He said he talked to building inspectors from decades ago, probably when Mr. Segina was Public Works Director. He said these types of Occupancy Permits for vacant land, the City has never done that. He said he agrees that they are looking to fix policies and procedures like they already have. He said they uncovered another one about three weeks ago that is a whole other issue. He said he is not going to get into any details of that but it is something that they talked to Mr. Malinchak about. He said it is another thing that really has not been done totally in compliance. He said what he is saying is that they are looking to revive these policies and procedures and do things the proper way. He said this is one area where they probably need to go ahead and do this. He said the problem they run into with this particular issue is staffing. He said if they were to ask for an occupancy permit for everyone of these, he doesn't think that one man can handle it. He said they are going to try.

- Ms. Longo said are there that many. She said she looks at the transfer of properties in the paper and there are not that many vacant lots in there.
- Mayor Cherepko said he thinks the problem is that in some way, shape or form, they are not always making it to the paper. He said they have people buying properties online all the time and everything else. He said he doesn't know how they get it done either. He said with that being said, this is just another of the many different policies and procedures that he thinks they need to change and make sure they are in compliance with the Charter and with the Zoning. He said with this particular issue, it is their understanding and

interpretation ... and he will turn it over to the Solicitor as far as the legalities of it that if Mr. Young were to apply for an occupancy permit and he put recreational use as the purpose, that they would give it to him. He said it is not a commercial recreational use, not to build a bike trail and not to charge people to go there or to build an ATV track or facility. He said as far as just using it down there, they would grant that. He said the Solicitor can correct him if he is wrong. He said this is something that they have argued and discussed numerous times with the Building Inspector. He said Bethany was in on some of these conversations, Jason, Matt and himself. He said they would give it to him if he applies for it, which he is supposed to. He said the other thing is ... and she mentioned that Mr. Tedesco may be bringing something up, what did he tell her last night. He said he told her that it seems like everything is coming on him ... not her personally ... but what he wants people to understand is this can go both ways. He said he always try to stay a couple steps ahead. He said some might say it is politics but politically speaking, it seems like there are a lot of people against this thing. He said it may benefit him politically, but this is not about politics. He said this is about interpreting the law in the way that they see and enforcing it as fairly as they can. He said that is the way they are looking at this thing. He said there is a Council here who can eliminate this totally. He said they have the capability of doing it.

- Ms. Longo said but they have to get to the point of getting that occupancy permit ... and if he does think that he can get it for recreational use, which she doesn't believe he can, unless he incorporates as a non-profit. She said that for him to get that permit, before he gets to that step, the Zoning Officer has to go down onto that lot and look at it. She said he has to make sure that the sewer line is not jeopardized and make sure that there is no pollution down there or a chance of pollution because of the tires. She said he has to also make sure that entrance onto the lot is appropriate and

safe. She said there are a lot of things that take place before that is issued.

- Mayor Cherepko said he agrees. He said back to what he is saying with Council, if Council puts an Ordinance forth ... this is an opportunity where they have a chance to really make a powerful decision as far as the City to pass an Ordinance citywide and the problem would be taken care of. He said he thinks that has to be recognized. He said whether they like that or not, that is their decision. He said it is an option, just like he has options. He said the other end of it that concerns him and this is what he said to both sides, that is if they push this issue and for some reason a law does show that they can shut this thing down without Council passing something.... He said if they did shut this down and what happens now is that Mr. Young fights this thing and now some way he wins, however that may be. He said now he can open up and he is a non-profit and can have outsiders come in and do this and that. He said that is not impossible.
- Ms. Longo said that is what he is planning to do now.
- Mayor Cherepko said no, he does not believe that is the case. He said if they see that and it gets out of control, he thinks at that point they could say what is going on here. He said as long as it is private, there is not much they can do under the law and their interpretation right now. He said that is when they could sit down and talk about it. He said it seems like all too often they have the same questions come up and they give the same answers and somewhere down the line someone is hoping for a different answer. He said if it is there and the law says that it should not happen, they will shut it down. He said that is what he is doing here to be fair in this situation. He said it is almost like they better watch what they wish for because if they form a non-profit or something and they get ....
- Ms. Longo said what she is wishing for is that they follow the zoning ordinance. She said if they in fact, have to apply as

anyone else who wants to do an ATV or bike trail on a lot in a residential area, if they apply for the zoning certificate and the occupancy permit and a special exception permit, then it is off his back and it goes before Council or before the Zoning Board, or to the Planning Commission for a conditional use.

- Mayor Cherepko said if they need a conditional use, it is, but what he is saying is that it does not appear to him that it needs a conditional use right now. He said he is telling her that and if she knows that and he applies ... and they can sit here and debate this all night but the bottom line is that if she adds a piece of property somewhere up by the house, they do not have to list every single activity they are going to do.
- Ms. Longo said no, no.
- Mr. Segina said he would like to interject please. He said he was a former Zoning Ordinance Officer back in the late 1980's. He said the process he remembers was that if they do buy a piece of property, they don't have to get an occupancy permit until they designate that for use. He said in this particular case, if he is going to make a recreation area out of it then he must get an occupancy permit with approval from the Planning Commission. He said then he would have to go to the Zoning Board for a zoning certificate. He said if he moves anything on that ground, contour wise or whatever, they must have a zoning certificate to do that if they are going to alter the topography or demographics of that particular area. He said if he says that he is going to use it for recreational use, he has to go before the Zoning Board. He said that does not mean that if the Zoning Board says okay, it does not mean he can use it as that particular use. He said there could be protests from the different residents up there saying they don't want it. He said if it is questionable then the Zoning Board must rule. He said if the Zoning Board rules and says



they are going to give him the Certificate to go up there and do what he wants with it, then it can go to Court. He said he has seen that happen many times.

- Mayor Cherepko said he thinks Mr. Segina is right on except for the fact that is if it is commercial recreational use. He said if it is not commercial and only his own personal.... He said recreational use can be throwing horseshoes in your backyard. He said it could be shooting a basketball in your backyard.
- Mr. Elash said what he is anticipating id if this is for an occupancy permit ... an ATV trail is a recreational use.
- Mr. Segina said wait.
- Mr. Elash said if he is going to utilize this for just general recreational purposes and sometimes kids will be riding motorcycles, sometimes they will be playing horseshoes and sometimes they will have paintball battles, then the Zoning Ordinance is not the proper avenue to fight that. He said the only way that they could fight that would be a noise ordinance or a specific ordinance limiting ATVs.
- Ms. Longo said they could also use the Zoning Ordinance about the noise.
- Mr. Elash said she has talked for almost an hour up there and he would like to respond. He said if Mr. Young puts down there that he is using the property just for recreational use for my children to play on, she knows as a retired attorney that the Occupancy Certificate would have to issue at that point. He said if he does not put on there that he is operating a non-profit motorcycle track and just puts that it is just for recreational use for his family members, then that Certificate will issue and there is nothing more that the Zoning Officer could do. He said if he starts moving large amounts of earth, there are different permits needed for

that and it applies to anyone who does that whether in their backyard or anywhere else in the City.

- Mr. Segina said they need an engineer to move earth.
- Mr. Elash said they don't have any reports that he has done that. He said there was a backhoe down there, the police were sent there and he informed them that he was just removing brush and moving brush over the hill. He said that is not something that they would generally need a permit for from the Building Inspector. He said they have gone through all of these avenues. He said they are not letting anyone get away with anything or that is above and beyond the zoning ordinance in his opinion.
- Ms. Longo said then she thinks this body needs to amend the Zoning Ordinance because it does say that you cannot occupy vacant land until they get a zoning certificate and an occupancy permit. She said it also says in the zoning ordinance that the Zoning Officer can ask for specifics about the kinds of activities. She said if they are passive activities, that is one thing.
- Ms. Walker-Montgomery said she has a question.
- Mr. Elash said he does not disagree with her but when she says occupy the structure, these are the fundamental words, and she knows as a lawyer, that all of these words have meanings and have to be taken in light of the current situation and the question that is being asked. He said normally when they say someone is going to occupy that parcel, they are going to build a house on it or a structure on it and they are going to occupy it. He said there is no one living on that parcel. He said this is a parcel that is just being used and people are going on it occasionally.
- Mr. Segina said there is still use of that property. He said they must have an occupancy permit for that.
- Mr. Elash said he agrees.

- Mr. Segina said if they are going to disturb that ground at all they need an occupancy permit.
- Mr. Elash said they have a Code for that.
- Mr. Segina said secondly, it doesn't have to be commercial use. He said if it is personal use and becomes a nuisance in a neighborhood and it is just like if he has a house with a garage next to him and he goes out at 11:00 at night and pounds on his fender, he has violated it.
- Mr. Elash said that has nothing to do with the Zoning Ordinance.
- Mr. Segina said that is a violation.
- Mr. Elash said there is a noise ordinance, it has nothing to do with zoning.
- Mayor Cherepko said if he may, for an example, right now in the City they just transferred over 39 vacant properties. He said people came in and purchased these properties through the program. He said not one of them applied for an occupancy permit. He said this is the same type of thing. He said not one of them had to apply for an occupancy permit.
- Ms. Longo said are these lots accessory to their land.
- Mayor Cherepko said it does not matter.
- Mr. Elash said some are and some are not. He said it is a very good example. He said if someone buys the lot next to their house, at what point are they occupying that. He said if they don't build a shed or do anything to it, it is just sitting there.
- Mayor Cherepko said as soon as they build something, that is when they do something.

- Mr. Segina said let him get the final word and they are going to end this. He said first of all he thinks what Mr. Young should do is go through the process, the entire process. He said that is all he has to do.
- Ms. Walker-Montgomery said she has a question.
- Mr. Segina said if there is any kind of paperwork protesting, then let the protest begin and if there is some kind of court action, then let that begin also. He said there is such a thing as being a good neighbor. He said they will end it on that.
- Ms. Walker-Montgomery said she has a question she never got to ask of Jason. She said in his legal opinion, did Mr. Young violate the Zoning Ordinance.
- Mr. Elash said not yet based on the circumstances. He said they have requested that he apply for an occupancy permit and it has been represented to them that he is in the process of doing that. He said they are going to submit that application. He said before they see what he puts on that application, they cannot make a ruling.
- Mayor Cherepko said to note, typically people bought these for the last how many years and they would not have to do that. He said they are still going to ask him to do that this year.
- Ms. Walker-Montgomery said he is going to ....
- Mr. Segina said until the process is ....
- Ms. Walker-Montgomery said she is so not done. She said they were allowed to speak so if she could just finish what she is going to say.
- Mr. Segina said she noticed he had the last word but he won't ....
- Ms. Walker-Montgomery said he can ask for her word.

- Mr. Elash said Mr. Young said he would have it in by the next meeting and if he doesn't, he would think that they would commence the enforcement action at that point.
- Ms. Walker-Montgomery said what they are saying is that at this present time, he did not violate the zoning ordinance.
- Ms. Longo said he has been occupying the land though.
- Ms. Walker-Montgomery said can she please get it out for God's sake. She said so he will have the occupancy permit by the next meeting, that is what they are saying.
- Mr. Elash said that is what they are hoping and if he doesn't submit that occupancy permit....
- Ms. Walker-Montgomery said then they will have to enforce it.
- Mr. Elash said right, but then they have to find a way to enforce this against hundreds of other people that have already purchased these lots. He said they can't not have uniform enforcement of the ordinance.
- Ms. Longo said the municipal planning code will set periods of time and they won't be able to go back forever.
- Mr. Elash said he understands that.
- Ms. Longo said thank you.
- Mr. Segina said can he disagree with Mr. Elash again.
- Mr. Elash said it happens all the time.
- Mr. Segina said it is a friendly disagreement, with his law degree he will challenge him. He said is Mr. Elash saying that he can go on that land and participate in what he wants to do on that property. He said he cannot do it until he gets the certificate.

- Mr. Elash said well ... if he was building a hospital, this would be much more clear. He said if he was building a business, this would be much more clear cut. He said but just going on there and cutting a tree down or doing something here and there ....
- Mr. Segina said the only thing is the recreational purpose.
- Mayor Cherepko said he thinks that he ....
- Mr. Segina said he doesn't live there so he doesn't really care, but evidently there are some people up there that do care.
- Mayor Cherepko said but Mr. Segina ... no.
- Mr. Segina said they are disturbed by what is going on.
- Mayor Cherepko said Mr. Segina ....
- Mr. Segina said let the process go and they will ....
- Mayor Cherepko said they will solve it. He said they will get it ... he just wanted to ... one last thing is that he thinks like Mr. Elash said something that keeps coming back to the noise ordinance. He said, for example, there is no ordinance to stop anyone from ... right now ... that are in their current homes from riding a dirt bike in their own yard. He said the only thing that can stop them is the noise ordinance. He said that is the only and he thinks that is what they keep coming back to that people keep complaining about. He said he owns a house and everyone here that is in a house, they can go ride a dirt bike in their own yard right now and it would be problematic to the neighbors and the neighbors would not like it but the only thing they can enforce is the noise ordinance. He said he thinks that is what they are coming down to but they will get this solved and he just wanted to throw that out to them.

- Mr. Segina said then is Mr. Cherepko saying that the Solicitor should then write up an ordinance governing ATV's and dirt bikes to be presented to them and then they could thrash this out.
- Mayor Cherepko said he is not saying that but if they as a Council, they have the power in this situation and can eliminate this problem tomorrow if they so choose. He said if they pass an ordinance citywide that no one can ride dirt bikes then that is the ordinance. He said they just made law. He said that is all he is saying. He said everyone keeps attacking the administration in general and he is saying in the grand scheme of things here it is not often ... but this is a situation where the Council has the power. He said they can eliminate this problem tomorrow.
- Mr. Segina said is it the desire of the Solicitor to draft some kind of ordinance on the ATV's and dirt bikes....
- Ms. Walker-Montgomery said shouldn't he ask Council not the Solicitor.
- Mr. Elash said he is, that is what he is doing.
- Mr. Segina said that is what he said.
- Ms. Walker-Montgomery said she thought he said Solicitor.
- Mr. Segina said the Council desires to have him draft one.
- Ms. Walker-Montgomery said not her.
- Mr. Segina said this doesn't mean they are passing it but it means that it would give them an opportunity to look at the different factors of the ordinance itself and either improve it or add to it or subtract from it. He said then they can kick that around and then if they want to they could pass it if they feel that is the equitable thing to do.
- Mr. McCall said don't they already have an ordinance for ATVs and dirt bikes on the streets.

- Mr. Elash said he doesn't believe the City has an ordinance but the State Motor Vehicle law does.
- Mayor Cherepko said on the streets yes, no one should be on the streets. He said that is correct. He said the only time they are allowed on the streets is if they declare the City in a State of Emergency like when they had that big snow a couple of years ago, but even then they can't have dirt bikes. He said even then technically to be legal, the quad or ATV would have to have a license plate on it and proof of insurance. He said during a State of Emergency they can drive on the streets. He said that is the only time they are permitted to be on the streets.
- Mr. Segina said is that right Chief.
- Chief Washowich said there are some other exceptions such as approved ATV trails, ninety degree crossing of the streets.
- Mr. Segina said if they have a bike trail then they have to have it approved.
- Mayor Cherepko said he thinks he is saying the only time they can be on the streets ....
- Chief Washowich said on State Gamelands.
- Mayor Cherepko said if they are off in the mountains and traveling somewhere, they are allowed to cross straight across the street. He said they cannot ride up the street but can cross at a ninety-degree angle.
- Mr. Segina said he would like a motion to have the Solicitor draw up a draft ordinance governing ATVs, off-road vehicles, and motorbikes if so desired so that this Council can consider its enactment.

**MOTION:**      **Mr. Tedesco moved, seconded by Mr. Soles,  
"To have the Solicitor draft an Ordinance**



**governing ATVs, off-road vehicles and motorbikes.”**

**COMMENTS:**

- Mr. Tedesco said it seems to him that the Mayor is asking for their help on this. He said they should get this ruled on to give him some assistance so that he can govern and enforce it.
- Mayor Cherepko said as they just witnessed firsthand for the last 20 minutes, they can sit here and it is a gray area. He said they can sit here and go back and forth. He said all he is saying is that Council is in a position to make it black and white.
- Mr. Tedesco said let's give him some clarity.
- Mr. McCall said he doesn't know what they want to put in the ordinance though. He said what are they going to put in this ordinance. He said are they going to be outlawing the ATVs and the dirt bikes.
- Mr. Elash said he is going to draft it as they request.
- Mr. McCall said are they going to outlaw them in the City so they can't own them in the City.
- Mr. Elash said they can own them in the City but they cannot ride them in their own yards or ride them anywhere within the City. He said he doesn't know how else they can adjust it.
- Mr. Segina said they can look at the draft and see how it goes and then they will make a decision on what parts they will enact as law. He said he thinks it is the fair thing to do.
- Mr. McCall said then they can sit there and rev up the motor.

- Ms. Walker-Montgomery said she has a comment. She said she feels like they don't need to draft one because they have an ordinance on the books and this is what she has been saying for the past two and a half years. She said the ordinances they have on the books, they do not enforce them. She said she has said this several times. She said the ones that ... but they have the Zoning Ordinance that can apply to this and they just talked about him getting an occupancy permit. She said let's enforce the ordinances they have on the books instead of creating new ones and making .... She said like she said before, they don't enforce these things, the police do. She said let's add more onto what they have to do in life. She said no ... she said how about they enforce the ordinances they have on the books at the present moment. She said she thinks this is a waste of time.
- Mr. Elash said if he were building an ATV complex then the zoning ordinance would be the proper tool. He said he thinks in this situation they are using the wrong tool to adjust this situation.
- Ms. Walker-Montgomery said he is going to get the occupancy permit.
- Mr. Elash said the zoning ordinance really has no applicability in the current situation.
- Ms. Walker-Montgomery said so if he is not in violation of the zoning ordinance and in our Solicitor's legal opinion, they need to back off. She said that is what they pay him for.
- Mr. Segina said the motion was passed to draft an ordinance for the said vehicles. He said let's move on to new business.
- Ms. Walker-Montgomery said they did not vote yet.

**RC-4** YEAS: SOLES, SEGINA, DELLAPENNA, TEDESCO ... 4

NAYS: WALKER-MONTGOMERY, CARR, McCALL ..... 3

- Mr. Dellapenna said he has one question about this. He said what about the guys down at the Parks Department, they use ATVs.
- Mr. Segina said what Parks, where.
- Mr. Dellapenna said down at Renzie. He said don't they have Rhinos.
- Mayor Cherepko said once again he would ... just having this drafted, he would assume that they are talking about recreational riding again, and he would assume that their employees are able to use them and that would be an acceptable use.
- Mr. Dellapenna said how couldn they not enforce that.
- Mayor Cherepko said they just voted to ....
- Mr. Segina said those utility carts are used within the Park only.
- Mayor Cherepko said at this point just for the sake of moving on, the Ordinance is not out, but once the ordinance is drafted ... they did not pass the ordinance. He said all they did to agree to draft it.
- Mr. Segina said all they did was ask for a draft but they can ....
- Mayor Cherepko said they can discuss that next meeting.
- Mr. Segina said they can peruse it and go over it and see what direction they want to go with it. He said they can then try to make everybody happy.

**NEW BUSINESS:**

- Mr. Carr said he would like to make a motion to amend the Agenda to remove Bill #74.
- Mr. Segina said they have not even read the Bill yet.
- Mr. Carr said he wants to remove it before it is read.

Mr. Elash said he needs to ask for a second to the motion.

**BILL #74: AN ORDINANCE OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING PROCEDURE 2, SECTION III-C OF ORDINANCE #79-4 TO ADD SUBPARAGRAPH 3, PROHIBITING ANY PERSON HOLDING A COMPENSATED, APPOINTIVE OR ELECTED POSITION FROM ALSO HOLDING A POSITION ON ANY BOARD, AUTHORITY OR COMMISSION WHERE SAID PERSON WOULD HAVE THE POWER TO SET OR PARTICIPATE IN SETTING THE POLICIES AND/OR CONDUCTION THE BUSINESS OF THE BOARD, AUTHORITY OR COMMISSION; PROVIDING FOR VARIOUS EXCEPTIONS; AND PROVIDING FOR REMOVAL AND/OR TERMINATION OF SAID PERSONS FOR VIOLATION OF THIS PROVISION.**

**MOTION: Mr. Carr moved, seconded by Mr. McCall, "To remove Bill #74 from the Agenda."**

**COMMENTS:**

- Mr. Segina said he spent three hours with Mr. Carr this afternoon. He said they talked extensively on this and tried to reach a happy medium so that they could present something that everyone would accept. He said the plan was to Table this and then fine tune the language within. He said he cannot understand why he now wants to remove it.
- Mr. Carr said because there is a difference between removing and tabling.

- Mr. Segina said without telling him first.
- Mr. Carr said if he wants to table it then it comes back in its original form which will be the fourth time. He said if they remove it, they can redraft however they want to and go back to the Solicitor and bring it in as a new Bill. He said that is why they need to remove it.
- Mr. Segina said that is true but their discussion was to table it.
- Mr. Carr said he realizes that was their discussion but it only makes sense to remove it. He said maybe he is wrong.
- Mr. Segina said he is sorry that he either misunderstood or went ahead like that. He said there is a motion on the floor and a second so they will take roll call on it.
- Mayor Cherepko said he is exactly right.

**RC-5** YEAS: SOLES, CARR, DELLAPENNA, McCALL..... 4

NAYS: WALKER-MONTGOMERY, SEGINA, TEDESCO . 3

**ORDINANCE #12-23 – BILL #75: AN ORDINANCE OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, PROHIBITING THE SOLICITING OF DONATIONS ON ANY ROADWAY OR CITY OWNED RIGHT OF WAY WITHIN THE CITY OF McKEESPORT.**

**MOTION: Mr. Tedesco moved, seconded my Mr. Soles, "To adopt Bill #75."**

**COMMENTS:**

- Ms. Walker-Montgomery said she is not in agreement with Bill #75. She said feels like there should be something added for people over the age of 18 to be able to tag. She said tagging is a large source of income for a lot of groups in the City. She said if they are going to pass this, it is going

to pass for everyone. She said they cannot allow it for police and fire, just because it is their police and fire. She said if she sees police and fire out there and this is not enforced, then this will be an issue.

- Mr. Segina said he believes the intent is to prohibit all solicitation at the crosswalks.
- Mayor Cherepko said he will be very brief. He said he just wants to reiterate what was said in the past and he wants to go on the record saying this because of the concerns of certain organizations and that is that he personally was more for just making sure it was 18 and above but that is all he is going to say.

**RC-6** YEAS: SOLES, SEGINA, CARR, DELLAPENNA,  
TEDESCO..... 5

NAYS: WALKER-MONTGOMERY, McCALL..... 2

**ORDINANCE #12-24 – BILL #76: AN ORDINANCE OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICERS TO EXECUTE ANY AND ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY TO TRANSFER LAND ALONG EDEN PARK BOULEVARD KNOWN AS PART OF PALKOVITZ PROPERTY FROM THE CITY OF McKEESPORT TO THE REDEVELOPMENT AUTHORITY OF THE CITY OF McKEESPORT TO AID THEIR REDEVELOPMENT OF SAID AREA.**

**MOTION:** Mr. Tedesco moved, seconded by Ms. Walker-Montgomery, "To adopt Bill #76."

**RC-7** YEAS: SOLES, WALKER-MONTGOMERY, SEGINA,  
CARR, DELLAPENNA, McCALL, TEDESCO..... 7

NAYS: NONE..... 0

**RESOLUTION #2012-46 – BILL #77: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING A ZONING APPLICATION FROM McKEESPORT AREA SCHOOL DISTRICT FOR A CONDITIONAL USE IN AN R-4 ZONING DISTRICT TO CONSTRUCT AN ADDITION TO FOUNDERS HALL AT 3509 O’NEIL BOULEVARD, McKEESPORT, PA.**

**MOTION: Mr. Tedesco moved, seconded by Mr. Carr, “To adopt Bill #77.”**

**RC-8** YEAS: SOLES, WALKER-MONTGOMERY, SEGINA, CARR, DELLAPENNA, McCALL, TEDESCO..... 7

NAYS: NONE..... 0

**BILL #78: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING A ZONING APPLICATION FROM SPEEDWAY, LLC FOR A CONDITIONAL USE IN A C-3 ZONING DISTRICT TO CONSTRUCT A GASOLINE SERVICE STATION/CONVENIENCE STORE AT 2325 FIFTH AVENUE, McKEESPORT, PA.**

**MOTION: Mr. Tedesco moved, seconded by Mr. Soles, “To table Bill #78.”**

**RC-9** YEAS: SOLES, WALKER-MONTGOMERY, SEGINA, CARR, DELLAPENNA, McCALL, TEDESCO..... 7

NAYS: NONE..... 0

**RESOLUTION #2012-47 – BILL #79: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE DEMOLITION OF**

**CERTAIN DETERIORATED PROPERTIES IN THE CITY OF  
McKEESPORT, PURSUANT TO ORDINANCE #2253, SERIES  
1962, SECTION 5.**

**MOTION:**        **Mr. Tedesco moved, seconded by Mr. Carr,  
"To adopt Bill #79."**

**COMMENTS:**

- Mr. Tedesco said he would like to comment. He said he would like to thank the Mayor regarding this list. He said there are actually a lot of properties that he has spoken with the Mayor about that are on the list. He said a lot are overdue and it will look good when it is done. He said what is the estimated time of demolition.
- Mayor Cherepko said he would like to give a brief summary. He said this is the Revitalization Project for the Educational and Cultural Sector of the City, which runs up by the Cornell area and Library area. He said it is part of revitalizing that area because there is a \$35 million school and all the other entities that are within that. He said just so they know, they do not have money to tear down homes in other parts of the City. He said they did have people call in and he wanted to make it clear why they are doing it up in that area. He said that is what the grant money was for. He said when they put this out to bid, as long as they approve the bid this evening, they will contact the County and go through each house to check on the asbestos, etc. He said hopefully in December when they come back they will have something to approve then. He said at the beginning of next year they will begin. He said they will see a tremendous difference by next summer. He said a lot of these houses should be gone by then and there are about 30 homes they will be able to take down.
- Mr. Tedesco said he would like to see this full list published so people know what houses are coming down.



- Mayor Cherepko said they also had individuals already come in and say they heard they were tearing down some houses and they said they wanted to purchase that property. He said so it goes right to that other program. He said he knows Mr. Segina has addressed many times that these properties just sit empty and it would be nice that there are a lot of people already interested in purchasing the lots next to them which is a good thing.
- Mr. Segina said aside from the comments by Mr. Tedesco, he forgot to mention to him about Public Works going into the business of demolition and he thinks they should look into the cost of insurance if they are using their own men besides worker's compensation.
- Mayor Cherepko said they did look into that and because their procedures are going to demonstrate that they are not really putting themselves at risk, they are not going to tear down a home next to another home where there is a dwelling with people living in it. He said because of that he told them off the cuff that he did not see any grievance. He said that is a great question and a great concern.

**RC-10** YEAS: SOLES, WALKER-MONTGOMERY, SEGINA,  
CARR, DELLAPENNA, McCALL, TEDESCO..... 7

NAYS: NONE..... 0

**RESOLUTION #2012-48 – BILL #80: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING THE AFFORDABLE HOUSING TRUST FUND (AHTF) GRANT IN THE AMOUNT OF \$50,000.00 AND AUTHORIZING THE CITY'S PARTICIPATION IN THE ALLEGHENY COUNTY AFFORDABLE HOUSING TRUST FUND PROGRAM AND APPROVING THE EXECUTION OF A COOPERATION AGREEMENT FOR THE DISABILITY MODIFICATION PROGRAM IN THE ABOVE AMOUNT.**

**MOTION:**        **Mr. Tedesco moved, seconded by Mr. Dellapenna, "To adopt Bill #80."**

**RC-11**    YEAS:        SOLES, WALKER-MONTGOMERY, SEGINA,  
                             CARR, DELLAPENNA, McCALL, TEDESCO ..... 7

             NAYS:        NONE..... 0

**RESOLUTION #2012-49 – BILL #81:** A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A COOPERATION AGREEMENT WITH THE REDEVELOPMENT AUTHORITY OF THE CITY OF DUQUESNE TO PROVIDE FOR THE ADMINISTRATION OF THE ENTERPRISE ZONE.

**MOTION:**        **Mr. Tedesco moved, seconded by Dellapenna, "To adopt Bill #81."**

**RC-12**    YEAS:        SOLES, WALKER-MONTGOMERY, SEGINA,  
                             CARR, DELLAPENNA, McCALL, TEDESCO ..... 7

             NAYS:        NONE..... 0

**RESOLUTION #2012-50 – BILL #82:** A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICERS TO ENTER INTO AN AGREEMENT WITH STASH TRUCKING FOR 2012 DEMOLITION PROJECT IN THE AMOUNT OF \$216,100.00.

**MOTION:**        **Mr. Tedesco moved, seconded by Mr. Dellapenna, "To adopt Bill #82."**

**RC-13**    YEAS:        SOLES, WALKER-MONTGOMERY, SEGINA,  
                             CARR, DELLAPENNA, McCALL, TEDESCO ..... 7

             NAYS:        NONE..... 0

**CONTROLLER'S REPORT:**

Mr. Malinchak said he would like to recommend to Council the approval of bills in the amount of \$100,550.60.

**MOTION:**        **Mr. Tedesco moved, seconded by Mr. Soles,  
"To approve payment of the bills in the  
amount of \$100,550.60."**

**RC-14**    YEAS:        SOLES, WALKER-MONTGOMERY, SEGINA,  
                             CARR, DELLAPENNA, McCALL, TEDESCO ..... 7  
  
             NAYS:        NONE ..... 0

**ADJOURNMENT:**

President of Council Segina adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Patricia A. Williams  
City Clerk and Clerk of Council

APPROVED:

Darryl Segina  
President of Council

daw